



SERIAL NO. 10/083,702

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. O'Phelan et al. Examiner: Unknown
Serial No.: 10/083,702 Group Art Unit: 3762
Filed: February 26, 2002 Docket: 279.087US3
Title: CAPACITORS WITH RECESSED RIVETS ALLOW SMALLER
IMPLANTABLE DEFIBRILLATORS

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AMENDMENT AND RESPONSE TO SECOND RESTRICTION REQUIREMENT

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated November 4, 2003, Applicant provisionally elects to prosecute claims directed to the first species, which the Examiner has identified as claims 5-11, 16-17, and 22-26. Also, applicant provisionally elects the sub-species, the fourth species, which the examiner has identified as claims 5 and 6. Claims 8-11 and 17 were deemed by the Examiner to be generic to all present claims for the first species.

Additionally, applicant submits respectfully that this amendment adds linking claims 30 and 31 to the application, with claim 30 linking the Examiner-identified second species (claims 18-21) to the first species and claim 31 linking the Examiner-identified third species (claims 27-29) to the first species. Section 809 of the MPEP states that "linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn."

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Michael J. O'Phelan et al.

Title: CAPACITORS WITH RECESSED RIVETS ALLOW SMALLER IMPLANTABLE DEFIBRILLATORS

Docket No.: 279.087US3

Serial No.: 10/083702

Due Date: December 4, 2003

Group Art Unit: 3762

Confirmation No.: 2486

Filed: February 26, 2002

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Examiner: Frances P. Oropeza

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Customer No.: 21186

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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We are transmitting herewith the following attached items (as indicated with an "X"):

 A return postcard. An Amendment and Response to Second Restriction Requirement (7 Pages) *including authorization to charge Deposit Account No. 19-0743 in the amount of \$36.00 to cover the fee for additional claims.*

If the additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	23	-	21	2	x 18.00 =	\$36.00
INDEPENDENT CLAIMS	6	-	6	0	x 86.00 =	\$0.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$36.00

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By:

Atty: Eduardo E. Drake

Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of December, 2003.

Name

Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

(GENERAL)